

# COUNTY OF YORK

## MEMORANDUM

**DATE:** April 2, 2003 (BOS Mtg. 4/15/03)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator

**SUBJECT:** Application No. ZM-73-03, David Stephens et al

### ISSUE

This application seeks to amend the York County Zoning Map by reclassifying seven parcels on the west side of Grafton Drive (Route 621) in the southwest quadrant of the intersection of Grafton Drive and Falling Spring Run (Route 1070) from LB (Limited Business) to conditional GB (General Business), subject to conditions voluntarily proffered by the property owners. The properties are further identified as Assessor's Parcel Nos. 29-6A (431 Grafton Drive), 29-7 (427 Grafton Drive), 29-8A (421 Grafton Drive), 29-9A (419 Grafton Drive), 29-9 (415 Grafton Drive), 29-10 (413 Grafton Drive), and 29-10A (409 Grafton Drive).

### DESCRIPTION

- ? Property Owners:
- |                   |   |
|-------------------|---|
| 409 Grafton Drive | Grafton Christian Church                          |
| 413 Grafton Drive | David G. Stephens et ux                           |
| 415 Grafton Drive | Thomas S. Omiecinski et ux                        |
| 419 Grafton Drive | S. D. Ashe Landscaping                            |
| 421 Grafton Drive | MDC (Michael Wood, Donald Reichle, Clyde Spencer) |
| 427 Grafton Drive | Norman Patton                                     |
| 431 Grafton Drive | Erlinda B. Johnson                                |
- ? Location: Southwest quadrant of the intersection of Grafton Drive (Route 621) and Falling Spring Run (Route 1070)
- ? Area: Approximately 5.58 acres
- ? Frontage: Approximately 731 feet on Grafton Drive and approximately 435 feet on Falling Spring Run (Route 1070)
- ? Utilities: Public water available; sanitary sewer generally not available
- ? Topography: Flat
- ? 2015 Land Use Map Designation: General Business
- ? Zoning Classification: LB – Limited Business

? Existing Development: Four (4) single-family detached homes, a landscaping business, and two (2) vacant parcels

? Surrounding Development:

North: Grafton Woods common area (across Falling Spring Run)

East: Commercial development (across Grafton Drive)

South: School entrance road; single-family detached home beyond

West: Grafton Woods townhouse development and Grafton High/Middle School

? Proposed Development: None

### **CONSIDERATIONS/CONCLUSIONS**

1. There is no specific development proposal associated with this application. The property owners are seeking the rezoning as a means of improving the marketability of their land and encouraging private participation in the extension of public sewer facilities to serve these properties. This application grew out of discussions between County staff and one of the seven property owners, Mr. David Stephens, who owns the undeveloped property located at 413 Grafton Drive and approached the staff with a concern about what he considered to be obstacles to the development of his property. Specifically, he felt that the lack of public sewer and the existing Limited Business zoning, which provides for a smaller range of commercial uses than does General Business zoning, have the effect of reducing the development potential of his parcel. (See the attached email message from James Noel, Director of Economic Development.) Staff discussed various options with Mr. Stephens, the most logical of which, in staff's opinion, was for the property owners along the corridor to submit a joint rezoning application. Mr. Stephens then approached the other property owners on the west side of Grafton Drive about joining him in a multi-parcel rezoning, and all of the remaining six of them between Falling Spring Run and the school entrance agreed.
2. There is a mix of residential, commercial, and institutional land uses along Grafton Drive, with largely residential uses on the west side and commercial uses on the east side oriented to Route 17. Surrounding development to the east includes Amory Funeral Home, the NWS Federal Credit Union, and a law office; to the west, in addition to the subject parcels, are the Grafton Woods and Glen Laurel townhouses and the Grafton High/Middle School complex. The subject parcels themselves consist of four (4) nonconforming houses, one (1) apparently inactive business (Ashe Landscaping, which was approved in 1987 through a Special Use Permit granted to the previous property owner), and two vacant parcels.
3. The Comprehensive Plan designates most of the Grafton Drive corridor for General Business development. The exception is the 1,200-foot segment where Grafton Drive abuts the Glen Laurel development; this portion is designated for Multi-Family Residential development. Additionally, in recognition of the location and existing development character of the Grafton Drive corridor, the Comprehensive Plan describes this as a potential area for mixed-use development:

“The Grafton Drive area contains a variety of land uses, including townhouses, duplexes, two County schools, and assorted retail and office development. Much of this area is designated for Multi-Family Residential development, while the remainder is designated General Business. The eclectic development character of this area creates the potential for a mixed use development, and it is identified in the Route 17 Corridor Plan, which was completed in 1996, as a potential ‘village activity center.’ It is underdeveloped and centrally located and has the semblance of a ‘main street’ on Grafton Drive.”

The Route 17 Corridor Master Plan, prepared in 1996 by The Cox Company in Charlottesville, describes the Grafton Drive corridor as an area that is “recognized by the community as a ‘real’ place with an existing identity and recognized history. It parallels Route 17 but has it’s (*sic*) own ‘Main Street’ – Grafton Drive. The area ... is underdeveloped yet centrally located, has local recognition, and the presence of the proposed new high and middle schools and recently constructed new neighborhoods in this area lends itself to its becoming a viable new center.” The plan also noted the lack of sewer as one of several obstacles to the creation of such a village center and recommends a series of public or public/private improvements. (See attached excerpts.)

4. The Limited Business zoning along the subject portion of Grafton Drive, like the Community Commercial (CC) zoning that preceded it, serves as a transitional zone between more intensive General Business zoning, both to the north toward Route 17 and to the east across Grafton Drive, and residential development along the west side of Grafton Drive. To prevent adverse impacts on nearby residences and the school property, the property owners have proffered to exclude certain uses that are ordinarily permitted as a matter of right in the GB zoning district and can have intense visual, traffic, or other impacts:

- ? Gas stations
- ? Car wash
- ? Small engine repair
- ? Automobile sales
- ? Boat sales
- ? Recycling plants
- ? County jails
- ? Golf driving ranges
- ? Tobacco stores
- ? ABC stores

The following table lists all the uses that will be permitted on the subject property as a matter of right (P) if this application is approved that currently are not permitted or would require a Special Use Permit (S):

USE	LB	GB
Plant Nursery or Greenhouse (Wholesale)		P
Animal Hospital, Vet Clinic, Commercial Kennel (Without Outside Runs)	S	P
Farmer's Market		P

USE	LB	GB
Meeting Halls, Recreational, Social Uses, or Private Clubs Operated by Social, Fraternal, Civic, Public, or Similar Organizations	S	P
Elementary, Intermediate, High School and/or Vo-Tech and Related Support Facilities (Other than York County Public Schools)	S	P
Technical, Vocational, Business School, College/University	S	P
Nursing Home	S	P
Medical Care Facility, including General Care Hospital, Trauma Center	S	P
Park or Recreation Facilities (Civic or Semi-Public), excluding golf courses		P
Theater - Indoor		P
Health, Exercise, Fitness Centers Including Swimming & Racquet Sports (indoor & outdoor)	S	P
Indoor Family Amusement Center	S	P
Skating Rink		P
Appliance Sales, Household Furnishings, Furniture		P
Convenience Store	S	P
Grocery Store		P
Drug Store	S	P
Radio and TV Sales	S	P
Toy Store	S	P
Bait, Tackle/Marine Supplies Including Incidental Grocery Sales		P
Fish, Seafood Store		P
Department, Variety, Discount Store		P
Funeral Home	S	P
Film Processing Lab	S	P
Hotel & Motel	S	P
Restaurant/Brew-Pub		P
Restaurant/Fast Food and Drive-In	S	P
Commercial Reception Hall or Conference Center	S	P
Tool, Household Equipment, Lawn & Garden Equipment, Rental Establishment		P
Bus or Rail Terminal		P
Taxi or Limousine Service		P
Community or Regional Shopping Center		P
Specialty Shopping Center	S	P
Wholesale Auction Establishment (without outdoor storage/activity)		P
Wholesale Trade Establishment (may include accessory retail sales) without outdoor storage		P
Publishing, Printing, Other than general public and business/professional services		P
Computer and Technology Development and Assembly		P
Contractors' Shops (e.g., Plumbing, Electrical, Mechanical, HVAC, Home Improvement or Construction, Swimming Pool, Landscaping, Cabinetmaking, General Building, Excavating, etc.) with Enclosed Storage of Equipment or Materials		P
Sales, Distribution, and Installation of Glass, Including Windows, Mirrors, and/or Automobile Glass		P

I do not believe that any of the uses listed in the table above is inherently incompatible with either residential development or a school. Almost every other single-family attached housing development in the County – including York Crossing, Burnt Bridge Run, Wood Towne Quarters, The Gables of York, Williamsburg Commons, Callahan Village, and Glen Laurel (also on Grafton Drive less than one half-mile south of Grafton Woods) – abuts GB zoning. Furthermore, the size and depth of the subject parcels and

their lack of direct access to and visibility from a major arterial road will limit the scale of any future development. For example, it is not likely that the property could support any of the more intensive, high traffic-generating uses – such as a community or regional shopping center, department store, grocery store, or fast-food restaurant – that will be permitted if this application is approved. Since gas pumps would not be permitted, any convenience store would be limited to selling food and convenience items and thus would generate fewer trips, (many of them, presumably, from Grafton Woods and Glen Laurel). For these reasons, I do not believe that reclassification of these seven parcels from Limited Business to conditional General Business will have a significant impact on traffic in the area.

Grafton Drive is approximately 3,300 feet (0.625 mile) in length and intersects Route 17 to both the north and the south of the subject property, but the best access to the property is via Amory Lane, which is a four-lane undivided roadway running from Route 17 to Grafton Drive. In 1995-96, this road was widened from 16 feet to a 60-foot pavement width in order to serve as the primary access for the school complex. The County and the Virginia Department of Transportation (VDOT) also have long-term plans to redesign the southern intersection of Grafton Drive and Route 17, which will further improve access to this area. One of the subject parcels has over 400 feet of frontage on Falling Spring Run, which is a public road; however, pursuant to Section 24.1-252(a) of the Zoning Ordinance, no commercial entrance to this residential street will be permitted unless the Board of Supervisors were to approve a Special Exception, which would require public hearings and Planning Commission review.

5. The subject properties abut the Grafton Middle/High School parking lot to the rear; but the school building itself is approximately 300 feet away at its nearest point. The nearest residence is a townhouse in Grafton Woods that is within 30 feet of the northernmost parcel; most of the homes in the area are more than 500 feet away. The property owners have proffered to provide a continuous Type 25 (25') transitional buffer along the rear property lines where the subject parcels abut the school property or the Grafton Woods common area. This is twice the buffer width that would otherwise be required, since the Zoning Ordinance provides for transitional buffers to be split between two adjoining parcels when both have been previously developed. The transitional buffer between the southernmost parcel and the parcel on which the school entrance is located will be 12.5 feet whether or not this application is approved. No transitional buffer is required along the northern property line adjacent to Falling Spring Run, which has a right-of-way width of approximately 96 feet; no transitional buffer is required when the zoning district boundary follows a public right-of-way that is at least 90 feet wide.
6. Because of their proximity to the Harwoods Mill Reservoir and the Newport News watershed property, the subject parcels are located within the Watershed Management and Protection Area (WMP) overlay district. Accordingly, any development will be subject to the performance standards set forth in Section 24.1-376 of the Zoning Ordinance. The developer(s) will be required to submit an impact study addressing measures for controlling stormwater runoff and protecting the Harwoods Mill Reservoir, and certain uses – such as uncovered trash dumpsters and storage of oil and oil products – will not be permitted within 700 feet of any tributary stream or reservoir;

it appears that at most this provision will affect only the southernmost parcel (409 Grafton Drive) and a portion of the adjacent parcel to the north (413 Grafton Drive).

7. The School Board has indicated that it opposes this application based on a concern that rezoning these lots from LB to GB would open the door to development that is not “harmonious with the desired setting on land abutting a school campus.” As noted earlier, the school building is more than 300’ away from any commercial development that will be built on the subject property and would be separated from such development by the school parking lot. There are no athletic fields existing or planned between the school building and Grafton Drive.

The School Board also expressed concern that increased traffic on Grafton Drive “will generate additional undesired challenges for school bus drivers entering and leaving the Grafton School Complex.” While it is true that traffic will increase as Grafton Drive develops, whether or not this application is approved, I do not believe there is any inherent conflict between school bus traffic and commercial traffic. The school day begins at 7:20 AM at Grafton High School and 8:00 AM at Grafton Middle School, which is earlier than the typical AM peak hour for commercial development. The school day ends at 1:41 PM at the high school and 2:21 PM at the middle school; the peak hour for most commercial uses (except restaurants, which have a later PM peak hour and usually have a lunchtime peak hour as well) is generally between 4:00 and 6:00 PM. Furthermore, for any proposed commercial use generating a significant number of trips a traffic impact analysis would need to be submitted by the developer and approved by the County and VDOT prior to site plan approval and construction. The developer would be required to make necessary improvements to mitigate any documented safety deficiency or substantial deterioration in roadway Level of Service caused by the proposed use. (A copy of the complete email message from the School Division’s Deputy Superintendent for Operations is attached to this memorandum.)

#### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its March 12 meeting and, subsequent to conducting a public hearing, voted 4:2 (Mr. Simasek absent) to recommend approval. The applicant and his realtor spoke in support of the application, and a resident of Grafton Woods spoke in opposition, citing safety concerns about school children, particularly middle school children, crossing commercial entrances as they walk to and from school and after-school activities. Concerns expressed by various Planning Commissioners included the potential for alcohol sales in connection with a sit-down restaurant (a potential, I should, note, which exists under the current zoning since sit-down restaurants are permitted as a matter of right in the LB zoning district), possible conflicts between commercial traffic and school-oriented pedestrian traffic (a potential which also exists under the current zoning), and a belief that there are adequate development opportunities under the current zoning and that the less restrictive zoning is therefore not needed. (For more detail please see the attached minutes.)

In response to concerns about pedestrian activity on Grafton Drive, staff conducted a field investigation subsequent to the Planning Commission meeting to determine how many school children typically walk to and from the school campus. Staff chose a clear, sunny,

and warm afternoon – ideal walking weather.<sup>1</sup> On this afternoon a total of six students were seen walking home from school along Grafton Drive in the 15-minute period following dismissal of the high school students. In the 15 minutes following dismissal of the middle school, a total of three students were seen using the sidewalk between Amory Lane and Grafton Woods. All nine students used a short cut through the woods to cross the two vacant parcels to reach the sidewalk. Since so few students use this sidewalk, and since these parcels are already zoned for commercial development, I do not believe this application raises serious safety issues. Furthermore, those few students who do walk do not appear to be using the sidewalk in front of the two undeveloped parcels that are currently being marketed for commercial development and are probably the most likely of the seven subject parcels to be developed.

### **COUNTY ADMINISTRATOR RECOMMENDATION**

The Grafton Drive corridor has long been recognized in County plans as an area with significant development potential that so far has yet to be fully realized. The proposed rezoning is consistent with the Comprehensive Plan's General Business land use designation for these parcels and its identification of this area of Grafton as a possible location for some type of mixed-use development. Approval of this application would facilitate, however marginally, the development of a mixed-use "village center" both by expanding the range of allowable uses and by increasing the likelihood of a developer-initiated sewer extension project. The proffered exclusion of certain uses will help to ensure that future development on these parcels will be compatible with surrounding land uses. The distance between the subject parcels and surrounding development, combined with the proffered 25' landscape buffer, will protect nearby properties from any adverse impacts associated with more intensive commercial development than is currently permitted. For these reasons, I recommend that the Board approve this application subject to the conditions voluntarily proffered by the property owners. This can be accomplished through the adoption of proposed Ordinance No. 03-12.

Carter/3337

#### **Attachments**

- ? Excerpts of Planning Commission Minutes, March 12, 2003
- ? Zoning Map
- ? Vicinity Map
- ? Proffer Statements
- ? Excerpts from Route 17 Corridor Master Plan.
- ? Email message from Richard Hixson to Tim Cross dated February 25, 2003
- ? Email message from James Noel, Jr. to Tim Cross dated February 27, 2003
- ? Letter from Edward L. Chambers, Jr. to Timothy C. Cross, AICP dated March 4, 2003
- ? Proposed Ordinance No. 03-12

---

<sup>1</sup> The field investigation was conducted on the afternoon of Wednesday, April 2. The temperature was approximately 82°F.